

### REMARKS

Applicant has carefully considered the matters raised by the Examiner in the outstanding Office Action but remains of the position that patentable subject matter is present. Applicant respectfully requests reconsideration of the Examiner's position based on the amendments to the claims and the following remarks.

The present invention discloses a method for operating a dishwasher where steaming at an elevated temperature and at an elevated pressure is conducted prior to any washing with water.

Applicant has amended claim 1 to recite that steaming is conducted at a temperature greater than about 100 °C. Claim 2 has been amended to recite that steaming is conducted at a pressure of greater than about 15 psi and at a temperature greater than about 100 °C. Thus, claims 1 and 2 both clearly recite that steaming is conducted at an elevated pressure greater than atmospheric pressure and at an elevated temperature greater than the boiling point of water at atmospheric pressure. Support for these amendments can be found at page 6, line 6 and lines 10-11.

Applicant has added new claims 3 and 4 to recite that steam generated in a steam generating unit and is introduced into the dishwasher through a nozzle. Support for this amendment can be found in Figure 1 and at page 5, lines 12-15.

Claims 1 and 2 had been rejected as being unpatentable over Oguri. The Examiner had stated that the elevated pressure and the elevated temperature of the present invention are inherent in the process disclosed in Oguri (section 2 of the Office Action). In addition, the Examiner had stated that one of skill in the art would adjust the pressure of the steaming step to obtain optimum cleaning results (section 3 of the Office Action). Applicant respectfully disagrees with both of these statements.

The elevated pressure and the elevated temperature of the present invention are not inherent in Oguri. Oguri gives no guidance concerning the temperature and the pressure conditions during the steaming step. One of skill in the art would therefore be led to conclude that the pressure and the temperature during the steaming step are

14.7 psi and 100 °C, respectively. One of skill in the art would make this conclusion because Oguri teaches that steam is generated using heater 15 submerged in water (Figure 3). As submerged heater 15 warms, the surrounding water temperature would gradually increase to 100 °C, and 100 °C steam would be generated. The temperature of the generated steam would remain at a constant 100 °C until all the water completely evaporated, only then would the temperature of the steam increase beyond 100 °C thereby simultaneously increasing the pressure. Oguri, however, does not teach or suggest a complete evaporation of the entire volume of water. In fact, one of skill in the art would presume that a predetermined amount of water would be supplied to generate a predetermined amount of steam. Oguri specifically makes reference to such a predetermined amount water (col. 3, lines 37-39). Thus, Applicant respectfully submits that it is clear that one of skill in the art would understand that the pressure and the temperature during the steaming step of Oguri are 14.7 psi and 100 °C and do not increase beyond these values.

The Examiner had also stated that it would be obvious to one of skill in the art to adjust the pressure during the steaming step to obtain optimum results. Oguri, however, teaches away from adjusting the pressure. The Federal Circuit has stated that "A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, *or would be led in a direction divergent from the path that was taken by the applicant.*" (emphasis added not in original) ***In re Gurley***, 31 USPQ 2d 1130, 1131 (Fed. Cir. 1994).

Oguri leads one of skill in the art in a direction different than the present invention because Oguri teaches that the washing sequence employing an initial steam washing step (Trial 3, cleaning efficiency 78%) is improved by employing a preliminary washing step prior to the steam washing step (Trial 2, cleaning efficiency 95%). Oguri does not teach that cleaning efficiency is improved by increasing the temperature and increasing the pressure as recited in claims 1 and 2 of the present invention. Rather, Oguri suggests a different method to improve cleaning. Oguri therefore teaches away from the claimed invention because Oguri leads one of skill in the art in a

direction other than the direction of the present invention.

Finally, Oguri does not teach or suggest injecting steam from an external steam generating unit through a nozzle as recited in claims 3 and 4. As shown in Figure 1 of the Application, external steam generating unit 40 injects steam through nozzle 42 into the dishwasher. As discussed above, Oguri generates steam by submerging heater 15 in water inside the dishwasher. Thus, claims 3 and 4 are not taught or suggested by Oguri.

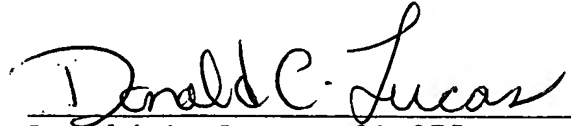
In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and such action is respectfully requested. Should any extensions of time or fees be necessary in order to maintain this Application in pending condition, appropriate requests are

hereby made and authorization is given to debit Account #  
02-2275.

Respectfully submitted,

MUSERLIAN, LUCAS AND MERCANTI, LLP

By:

A handwritten signature in cursive script that reads "Donald C. Lucas". The signature is written in dark ink and is positioned above a horizontal line.

Donald C. Lucas, 31,275

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